

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

OCTOBER 10, 2006

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairwoman Linda Martinez Saville, Vice Chairman Dennis Tenney, Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Police Chief Stephen Chapman; Attorney Pat Casaday; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Boy Scout Sterling Swensen of Troop #536, and the Pledge was led by Bryan Duffin, also of Troop #536.

2. CITIZEN(S) COMMENTS:

- a. **Venisha Griggs**, 452 Naomi Dr., reported that her home and four others were affected by pressurized irrigation water and sewer water flooding their basements. She gave the Council a list of names and addresses of the other home owners. Mrs. Griggs asked the Council for their help, with the backing of the City, to get damage claims resolved. She explained that her's and the other four homes homeowners' insurance policies will not pay on this claim, because their investigations show that the damage was caused by others, and that the water came from off of their property. The irrigation company (Water Pro), the Developer (Adam Adams), and the excavator (Rolfe Construction) cannot agree on who is at fault. In the mean time, all five homes are left with an awful mess. Residents cannot have repairs done, or damaged goods hauled away until fault is determined. She indicated that it has been nearly four weeks now, and it appears they are no closer to getting this resolved.

Public Utilities Director Shane Pace stated that it is not yet clear who is at fault. Both entities appear to be at fault. He emphasized that Sandy City is NOT at fault, but Sandy crews have spent several hours trying to help residents get their basements pumped out. Mr. Pace related that he felt it was unfortunate that these companies are not responding to the problem. He felt there was plenty of evidence that both have some liability. He asked City Attorney Walter Miller if there was anything that the City can do.

Dennis Tenney asked Walter Miller if there wasn't something we could do, even if it was to threaten legal action, to help these people. He felt the City should have enough legal clout to bring these parties to some type of action.

Walter Miller stated that Chase Parker, Sandy Risk Management, has been working on this issue, and he hasn't had the opportunity to talk to him about it. He stated that the City can bring all parties into a mediation and bring in a mediator. In a larger sense, this is an emergency. This is a disaster. We need to discuss what the City should do. He stated that he would speak with Mr. Parker, and if he agrees, the City will make arrangements to have mediation started.

Chris McCandless noted that Attorney Mark Poulsen was the attorney of record for both the developer and the excavator. He suggested that a letter be sent to Mr. Poulsen advising him that the City wants this insurance issue resolved quickly. Mr. McCandless commented, "Mediation is a good process." He asked

if it would be proper to look at using contingency money to help these residents until the liability issue has been resolved.

Linda Martinez Saville stated that it was premature to consider suggestions to resolve the problem, until we have the opportunity to talk to Risk Management.

Scott Cowdell commented, "Bills are coming in, and we need to help these people."

- b. **Stever Gerber**, 421 Naomi Drive, said "Mediation would be great." In four weeks, the only person to talk to the affected home owners was Utah Water Pro. He reported that as of this morning, Water Pro is not sure they are responsible. Mr. Gerber reported that he can't run his furnace, because the bearings on his fan have rusted from the water damage. He noted that nights are getting very cold, and his family is suffering without heat. The Utah Disaster Company won't start the cleanup/repair process until they are paid. Mr. Gerber said, "I hope something can be resolved."

Bryant Anderson asked "What is the legal process for determining liability?"

Walter Miller responded that the property owners would first file a claim with the insurance company. If they did not feel the issue had been fairly resolved, they would have no choice but to take it to court. Walter Miller commented, "This is a disaster. Once we get a mediator, we're off and going."

Shane Pace stated that his department was, until tonight, under the impression that both insurance companies were working on the problem. From statements made this evening, it appears negotiations have fallen apart.

Walter Miller took the affected parties out into the hall to discuss the problem further.

SPECIAL PRESENTATION:

Chairman of the Healthy Sandy Partnership, Pat Casaday, reported that Sandy recently received a Legacy Award from the Utah Department of Health. Sandy received a first-time-awarded "Platinum Award" for its efforts to encourage healthy life styles in Sandy. Mr. Casaday reported that he and Council Chairwoman **Linda Martinez Saville** received the award on behalf of the City.

Pat Casaday reported that the Healthy Sandy Partnership was formed in 1995. It is a coalition of 25 members consisting of City leaders, Alta Hospital representatives, local PTAs, local businesses & citizens. Part of its Mission Statement is serve as a catalyst to promote good health and safety in Sandy. Each year the Healthy Sandy Partnership sponsors a Fitness Fair. In addition they have promoted programs such as declaring a month to eat meals at home with your family, provided 10 volunteer dentists who screened 400 low income children. Those with no insurance were provided free dental care. The Sandy Fire Department purchases smoke detectors and carbon monoxide detectors that they install free of charge in the homes of seniors and low-income families. The Healthy Sandy Partnership has sponsored training meetings to curb underage drinking, provided immunizations and flu shots, and sponsored a Family Night at the Skate Park where they gave away 50 helmets and provided others at a reduced price. Members of the Committee and Staff took 50 disadvantaged children from the Sandy Boys and Girls Club out to breakfast and then to Snowbird Ski Resort, who graciously provided free tram rides to celebrate Fresh Air Day.

Chris McCandless asked if the group had implemented programs for smoke free parks and smoke free public places.

Pat Casaday stated that they haven't done anything yet, but thought Mr. McCandless had a good idea.

Linda Martinez Saville said, "It is 'awesome' the things done by the City and the Healthy Sandy Partnership to earn this reward."

Dennis Tenney suggested that the Council pass a resolution banning cigarette smoking in parks.

Phil Glenn reminded Mr. Tenney that this issue was discussed a few months ago. The City Council determined, at that time, that the first step should be to post signs asking citizens not to smoke within 50 ft of City Parks, bleachers, other seating facilities and ballfields. The Council felt this was a good approach, and that a report would be scheduled, shortly, to determine how effective this first step was.

COUNCIL ITEMS:

3. Craft Masters LLC Rezoning

Ordinance #06-30 - rezoning approximately 0.67 acres of property located at approximately 662 East 7800 South, from the R-1-8 "Residential District" to the PO "Professional Office" District.

DISCUSSION: Even though the Council had thoroughly discussed the Craft Masters LLC Rezoning, the East Town Village Rezoning and the Gassman Rezoning at the public hearings held a week ago, **Community Development Director Mike Coulam** went through the approval process used by the City Council and Planning Commission before a rezoning action occurs for the benefit of the many Boy Scouts in attendance at the meeting. He explained what each ordinance would allow to be developed on each property as they develop, when/if the City Council adopts the proposed rezonings.

MOTION: Dennis Tenney made the motion to adopt Ordinance #06-30 - rezoning approximately 0.67 acres of property located at approximately 662 East 7800 South, from the R-1-8 "Residential District" to the PO "Professional Office" District.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Smith- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes, Saville- Yes

MOTION PASSED

7 in favor

4. East Town Village Rezone

Ordinance #06-29 - rezoning approximately 7.72 acres located at approximately 8335 South State Street from the RC "Regional Commercial District", and the R-1-7.5(HS) "Residential District" to the MU "Mixed Use District".

MOTION: Chris McCandless made the motion to adopt Ordinance #06-29 - rezoning approximately 7.72 acres located at approximately 8335 South State Street from the RC "Regional Commercial District", and the R-1-7.5(HS) "Residential District" to the MU "Mixed Use District".

SECOND: Stephen Smith

VOTE: McCandless- Yes, Smith- Yes, Tenney- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes, Saville- Yes

MOTION PASSED

7 in favor

5. Gassman Rezoning

Ordinance #06- 28 - rezoning approximately 5.03 acres of property located at approximately 2115 East Pepperwood Drive from the R-1-40A "Residential District" to the R-1-20 "Residential District".

MOTION: Dennis Tenney made the motion to adopt Ordinance #06-28 - rezoning approximately 5.03 acres of property located at approximately 2115 East Pepperwood Drive from the R-1-40A "Residential District" to the R-1-20 "Residential District," as recommended by the Planning Commission and Planning Staff.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Smith- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes, Saville- Yes

MOTION PASSED

7 in favor

6. Trapp/Ivory Homes Annexation
Resolution #06-85 C - intent to annex an unincorporated area, setting a hearing to consider such an annexation and directing publication of hearing notice.

MOTION: Scott Cowdell made the motion to adopt Resolution #06-85 C - intent to annex an unincorporated area, setting a hearing to consider such an annexation and directing publication of hearing notice. (Hearing date supplied by Phil Glenn of 12/12/06).

SECOND: Dennis Tenney

VOTE: Cowdell- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes,
Anderson- Yes, Fairbanks- Yes, Saville- Yes

MOTION PASSED

7 in favor

7. Appointment: Public Utilities Advisory Board
Resolution #06- 86 C- appointing a member to the Public Utilities Advisory Board.

DISCUSSION: The applicant, Jeff Budge, was interviewed by the City Council during Planning Meeting.

MOTION: Steve Fairbanks made the motion to adopt Resolution #06- 86 C- appointing Jeff Budge as a new member on the Public Utilities Advisory Board.

SECOND: Chris McCandless

VOTE: Fairbanks- Yes, McCandless- Yes, Tenney- Yes, Smith- Yes,
Anderson- Yes, Cowdell- Yes, Saville- Yes

MOTION PASSED

7 in favor

8. Canceling the 10/17/06 City Council Meeting
Resolution #06-87 C - to consider canceling Council meeting of October 17, 2006.

MOTION: Scott Cowdell made the motion to adopt Resolution #06-87 C - canceling the City Council Meeting scheduled for October 17, 2006.

SECOND: Chris McCandless

VOTE: Cowdell- Yes, McCandless- Yes, Tenney- Yes, Smith- Yes,
Anderson- Yes, Fairbanks- Yes, Saville- Yes

MOTION PASSED

7 in favor

9. MAYOR'S REPORT:

- a. **Mayor Dolan** requested that two or three City Council members volunteer to work with a subcommittee to work through the issues with REAL. This way, Council members can report directly back to the City Council on the status of current negotiations. Mayor Dolan requested that **Stephen Smith** be one of the three, as his expertise as a CPA would serve the committee well.

Stephen Smith, Scott Cowdell and **Steve Fairbanks** volunteered to serve.

Mayor Dolan reported that Mr. Checketts, representing REAL, said they are moving forward with Salt Lake County and their commitments.

10. CAO'S REPORT:

- a. **Byron Jorgenson** reported that drilling continues on the well at the golf course. It looks like they have drilled into an artesian well that pumps 20 gallons per minute without a pump. The drilling and water look

better than a week ago.

11. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Phil Glenn** handed out the Council's Calendar. He advised the Council that the National League of Cities Meeting has been scheduled for December 5-9 in Reno, Nevada. The Council Office needs to know very soon the names of those wishing to attend. **Dennis Tenney** stated that he would be a definite yes.
- b. **Phil Glenn** reported that he took pictures and kept notes on the trip taken to Frisco, Texas to tour a soccer facility. He stated that he would burn the pictures on CDs and provide them to each of the Council.

12. **OTHER COUNCIL BUSINESS:**

- a. **Scott Cowdell** asked if dates had been set on the Council's Calendar to discuss the feasibility of Sandy residents being able to contribute money on their water bill to help the needy. He also asked if the feasibility of Sandy having its own Housing Authority had been scheduled.

Shane Pace said **Art Hunter** is working on the water bill donation proposal.

Scott Cowdell said he had heard this same answer several times, but no report is brought forward.

Linda Martinez Saville stated that the Housing Authority issue should come before the Council in November.

- b. **Steve Fairbanks** noted that he was upset at the bad press Sandy was receiving regarding using public funds to fund the REAL Soccer stadium.

Phil Glenn stated that there are hundreds of articles dealing with the pros and cons and whether it is ethical to use public funds for a stadium. He reported that he had researched the issue at the request of **Steve Fairbanks**, and would be happy to share the information with the rest of the City Council.

Steve Fairbanks commented, "The articles are boring and they won't change your mind."

Dennis Tenney stated that he felt the Council had a responsibility to let our citizens know we have done our homework on the soccer stadium. He felt an informative article in the City's newsletter to update the citizenry on what is being done would be a "win-win" for everyone.

Mayor Dolan stated that they will soon have a full blown plan to show the Council. There will be public educational meetings held on this and other issues. Representatives are still in the process of reviewing the financial plan submitted to us by REAL. It will take time to review and refine.

Mayor Dolan stated that he found it insulting that the **Tribune** said Sandy wasn't doing our own due diligence. He said, "We are doing everything we can so we don't make a decision that would be harmful to our citizens." Mayor Dolan noted that the parties involved have recommended to REAL that they not ask for money from the school district. There are other ways to work through that issue. The school district will be able to support the project in other areas that create new jobs.

In Mayor Dolan's opinion, the media has not presented an unbiased report. No stadium that has been constructed within the State of Utah has been built without receiving some public funding, at some time. We will be building infrastructure for Sandy's participation, as we did for the South Towne Mall and Sandy Auto Mall. If the entire project gets built, the school district will benefit from the resulting increase in sales tax revenue.

Bryant Anderson agreed with **Dennis Tenney** that we should make the public aware of the review process. They should be notified of public hearings that will be held where they will be able to speak and make their feelings known.

At approximately 8:10 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Dennis Tenney.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Linda Martinez Saville
Council Chairwoman

Naleen Wright
Council Office Manager

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